

PTO/SB/21 (09-06)

Approved for use through 03/31/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE


Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

| | | |
|--|-------------------------------------|--------------------|
| TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i> | Application Number | 10/509,036 |
| | Filing Date | September 27, 2004 |
| | First Named Inventor | Stuart M. PITSON |
| | Art Unit | Not Yet Assigned |
| | Examiner Name | Not Yet Assigned |
| Total Number of Pages in This Submission | Attorney Docket Number 229752003700 | |

ENCLOSURES (Check all that apply)

| | | | | |
|--|---|--|---------|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Post Card Copy of Notification of Missing Requirements dated 3/8/05 Executed Declaration | | |
| <table border="1" style="width: 100%;"> <tr> <td style="width: 30%;">Remarks</td> <td> Statement Pursuant to 37 CFR 1.821(f) Paper Copy of Sequence Listing Computer-Readable Disk of Sequence Listing Response to Decision Petition for Inventor Name Change w/certifying papers Supplemental ADS </td> </tr> </table> | | | Remarks | Statement Pursuant to 37 CFR 1.821(f) Paper Copy of Sequence Listing Computer-Readable Disk of Sequence Listing Response to Decision Petition for Inventor Name Change w/certifying papers Supplemental ADS |
| Remarks | Statement Pursuant to 37 CFR 1.821(f) Paper Copy of Sequence Listing Computer-Readable Disk of Sequence Listing Response to Decision Petition for Inventor Name Change w/certifying papers Supplemental ADS | | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | | | |
|--------------|---|----------|--------|
| Firm Name | MORRISON & FOERSTER LLP | | |
| Signature |  | | |
| Printed name | Adam Keser | | |
| Date | October 26, 2007 | Reg. No. | 54,217 |

Under the Paperwork Reduction Act of 1995, no person are required to respond to a collection of information unless it displays a valid OMB control number.

| | | | |
|---|--|---------------------------------|--|
| <p><i>Effective on 12/08/2004.</i> <i>Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).</i></p> <h2 style="margin: 0;">FEE TRANSMITTAL</h2> <h3 style="margin: 0;">For FY 2007</h3> | | <p>Complete if Known</p> | |
| <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27 | | Application Number | |
| | | Filing Date | |
| | | First Named Inventor | |
| | | Examiner Name | |
| | | Art Unit | |
| TOTAL AMOUNT OF PAYMENT | | Attorney Docket No. | |
| (\$) | | 229752003700 | |
| 1,500.00 | | | |

METHOD OF PAYMENT (check all that apply)

☐ Check
 ☐ Credit Card
 ☐ Money Order
 ☐ None
 ☐ Other (please identify): _____

☒ Deposit Account
 Deposit Account Number: 03-1952
 Deposit Account Name: Morrison & Foerster LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below
 ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17
 ☒ Credit any overpayments

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
| | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | |

2. EXCESS CLAIM FEES

| Fee Description | Fee (\$) | Small Entity Fee (\$) |
|--|----------|-----------------------|
| Each claim over 20 (including Reissues) | 50 | 25 |
| Each independent claim over 3 (including Reissues) | 200 | 100 |
| Multiple dependent claims | 360 | 180 |

| | | |
|--|--|---|
| Total Claims - 20 = _____ x _____ = _____ HP = highest number of total claims paid for, if greater than 20. | Extra Claims - 3 = _____ x _____ = _____ HP = highest number of independent claims paid for, if greater than 3. | Fee (\$) _____ Fee Paid (\$) _____ |
| Multiple Dependent Claims Fee (\$) _____ Fee Paid (\$) _____ | | |

3. APPLICATION SIZE FEE

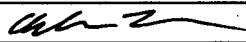
If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
|--------------|--------------|--|----------|---------------|
| _____ | _____ | _____ (round up to a whole number) x _____ | _____ | _____ |

4. OTHER FEE(S)

| | Fees Paid (\$) |
|--|----------------|
| Non-English Specification, \$130 fee (no small entity discount) | |
| Other (e.g., late filing surcharge): 1453 Petition to revive unintentionally abandoned ... | 1,500.00 |

SUBMITTED BY

| | | | | | |
|-------------------|---|-----------------------------------|------------------|-----------|----------------|
| Signature |  | Registration No. (Attorney/Agent) | 54,217 | Telephone | (703) 760-7301 |
| Name (Print/Type) | Adam Keser | Date | October 26, 2007 | | |

Docket No.: 229752003700
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Stuart M. PITSON et al.

Application No.: 10/509,036

Confirmation No.: 1337

Filed: September 27, 2004

Art Unit: Not Yet Assigned

For: METHOD OF MODULATING CELLULAR
ACTIVITY

Examiner: Not Yet Assigned

**RESPONSE TO DECISION FOR PETITION FOR REVIVAL OF AN APPLICATION
ABANDONED UNINTENTIONALLY**

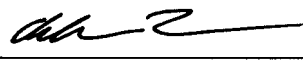
MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Decision dated August 28, 2007, Applicants resubmit the Petition for revival and related papers for your approval. Applicants have attached an acceptable Declaration, proof of inventor name change, and a computer readable form of the Sequence Listing in the required format.

Dated: October 26, 2007

Respectfully submitted,

By 
Adam Keser
Registration No.: 54,217
MORRISON & FOERSTER LLP
1650 Tysons Blvd, Suite 400
McLean, Virginia 22102
(703) 760-7301



UNITED STATES PATENT AND TRADEMARK OFFICE

BEB/MRS

MORRISON & FOERSTER LLP

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| | | |
|---|--|------------------------------------|
| U.S. APPLICATION NUMBER NO. ✓ 10/509,036 | FIRST NAMED APPLICANT Stuart M Pitson | ATTY. DOCKET NO. ✓ 229752003700 |
|---|--|------------------------------------|

| |
|-------------------------------|
| INTERNATIONAL APPLICATION NO. |
|-------------------------------|

PCT/AU03/00388

| | |
|-------------------------------|-----------------------------|
| LA. FILING DATE 03/28/2003 | PRIORITY DATE 03/28/2002 |
|-------------------------------|-----------------------------|

CONFIRMATION NO. 1337

371 FORMALITIES LETTER



OC000000015374062

25227
MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 300
MCLEAN, VA 22102

Date Mailed: 03/08/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 09/27/2004
- Copy of the International Search Report filed on 09/27/2004
- Copy of IPE Report filed on 09/27/2004
- Biochemical Sequence Listing filed on 09/27/2004
- Request for Immediate Examination filed on 09/27/2004
- U.S. Basic National Fees filed on 09/27/2004
- Priority Documents filed on 09/27/2004

✓
DOCKETED *Miss Reg Due*
REMINDER *4/8/05*
DUE DATE *5/8/05*
FINAL DUE DATE *10/8/05*

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

The following items **MUST** be furnished within the period set forth below:

mmw
7/27/06

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
 - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e) and PCT Rule 13ter.1(a)(ii).
 - APPLICANT MUST PROVIDE:
 - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
 - A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

LAMONT M HUNTER

Telephone: (703) 308-9140 EXT 201

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/509,036 | PCT/AU03/00388 | 229752003700 |